19, lines 1-26; at page 32, lines 10-15; and in Table 1. For example, the specification on page 5, lines, 9-21, states that:

> This method includes the steps of dissolving pimaricin or an antifungal derivative thereof in a pharmaceutically acceptable dipolar aprotic solvent; and adding to the solution a pharmaceutically acceptable aqueous secondary solvent. In one preferred embodiment, the method further includes the step of lyophilizing the composition, whereby the majority of the water and the aprotic solvent (e.g., more than 50%, preferably more than 95%, and most preferably more than 99% by weight) are removed from the composition and a dry, shelf-stable composition is produced. This dry composition can be reconstituted into an aqueous solution suitable for parenteral administration to a mammal, by adding to the dry composition a pharmaceutically acceptable aqueous solvent. Suitable pharmaceutically acceptable aqueous solvents for reconstituting the composition include the known parenteral infusion fluids, such as saline solution and dextrose solution in addition to distilled water.

Specifically, claim 26 is supported at least at page 5, lines 10-16; page 13, lines 25-28; page 18, lines 22-29; page 19, lines 1-26; and Table 1.

Claim 69 describes the use of acetic acid as a primary solvent to dissolve a drug with low aqueous solubility. Specific support for this can be found at least at, page 13, lines 25-28 and Table 1.

Claim 70 describes that the dipolar aprotic solvent and/or acid or the organic solvent is 'virtually eliminated' from the solvent vehicle. The term 'virtually' is defined in the dictionary as 'almost entirely' and is intended to mean that the solvent vehicle is 'substantially free of organic solvent' and/or that 'the major fraction of the organic/aprotic solvent' is removed, with 99% or more of the organic solvent removed from the final vehicle. Support for this can be found in the specification at various places. For example, the specification on page 5, lines, 12-16, states that:

> In one preferred embodiment, the method further includes the step of lyophilizing the composition, whereby the **majority of the water and the aprotic solvent (e.g., more than 50%, preferably more than 95%, and most preferably more**

than 99% by weight) are removed from the composition and a dry, shelf-stable composition is produced. **(Emphasis added)**

Further, page 11, lines 2-6 and lines 21-24, describes that lyophilization "virtually eliminates the organic solvent" of the vehicle, which minimizes side-effects (such as hepatic side-effects) related to the vehicle's organic component. In addition, page 19, lines 5-17, describe that removal of "the major fraction of the organic solvent", such as DMA, allows reconstitution into an aqueous solvent, such as double-distilled water, to obtain a very stable formulation which retained all its pharmacological activity. Furthermore, page 32, lines 10-15, describe the step of lyophilization "virtually eliminates the final-use-preparation's content of the organic solvent." These sections also provide support for claim 71, which describes lyophilization as one of the methods for removing the organic solvent from the vehicle.

Claim 72, which describes an additional step of reconstituting the composition in a pharmaceutically acceptable aqueous solution, is specifically supported at least at page 5, lines 16-18.

Support for claim 73, which describes different types pharmaceutically acceptable aqueous solutions, can be found throughout the specification as filed, with particular support found at page 5, lines, 16-21, at page, 13, lines 2-5; at page 8, lines 21-22, at page 9, lines 12-14; at page 13, lines 25-27; at page 9, lines 12-15, and at page 10, lines 19-21. For example, support for the embodiment of claim 73, which describes an aqueous lipid emulsion, can be found at page, 13, lines 2-5; at page 8, lines 21-22, at page 9, lines 12-14; at page 13, lines 25-27; support for the embodiment of claim 73 that describes an aqueous lipid solution can be found particularly at page 10, line 19-21.

Support for claims 74 and 74 can be found at least at page 5, lines 16-21.

Claim 76, 77, and 78, describe embodiments of the dextrose solution. Support for these claims can be found throughout the specification as filed, with particular support found at page 9, lines 12-15 and at page 10, lines 19-21, respectively.

Support for claim 79 can be found at least at page 5, lines 16-21.

Specific support for claim 80, which describes pimaricin as an example of a drug that can be solvated, can be found, at least, at page 5, lines 30 and page 6, lines 1-12, lines, at page 10, line 30 to page 11, lines 1-2, and at page 32, lines 16-17.

Support for the method claims 81-87 can be found, at least, at page 5, lines 9-21, at page 11, lines 2-6 and lines 21-24; and at page 32, lines 10-15.

Claim 82 describes the use of acetic acid as a primary solvent to dissolve a drug with low aqueous solubility. Specific support for this can be found at least at, page 13, lines 25-28 and Table 1.

Claim 83 describes that the dipolar aprotic solvent and/or acid or the organic solvent is 'virtually eliminated' from the solvent vehicle. As set forth above, the term 'virtually' is defined in the dictionary as 'almost entirely' and is intended to mean that the solvent vehicle is 'substantially free of organic solvent' and/or that 'the major fraction of the organic/aprotic solvent' is removed, with 99% or more of the organic solvent removed from the final vehicle. Support for this can be found in the specification at various places and specifically at page 5, lines, 12-16.

Support for claim 84, which describes lyophilization as an embodiment for removing the aprotic solvent and/or acid, can be specifically found on at least page 11, lines 2-6 and lines 21-24; page 19, lines 5-17 and page 32, lines 10-15.

Support for claim 85, which describes an additional step of reconstituting the composition in a pharmaceutically acceptable aqueous solution, can be found on at least page 5, lines 16-18.

Specific support for claim 86, which describes different types pharmaceutically acceptable aqueous solutions, can be found throughout the specification as filed, with particular support found at page 5, lines, 16-21, at page, 13, lines 2-5; at page 8, lines 21-22, at page 9, lines 12-14; at page 13, lines 25-27; at page 9, lines 12-15, and at page 10, lines 19-21.

Claim 87, which describes pimaricin as an example of a drug that can be solvated by the methods of the invention, can be found, at least, at page 5, line 30 and page 6, lines 1-12; page 11, lines 1-2; and at page 32, lines 16-17.

No new matter is added by these amendments.

CONCLUSION

Applicants respectfully request that the instant amendments be entered in the case pursuant to this paper and the Request for Continued Prosecution Application Under 37 C.F.R. §1.53(d) filed concurrently herewith. In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, and an early indication to that effect is earnestly solicited.

The examiner is invited to contact the undersigned at 512-536-3067 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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APPENDIX A
MARKED-UP VERSION OF AMENDED CLAIMS

26.(amended) A solvent vehicle, [comprising a pharmaceutically acceptable dipolar aprotic solvent and a pharmaceutically acceptable aqueous secondary solvent, substantially free of organic solvent] capable of solubilizing a drug with low aqueous solubility, prepared by a process comprising;

a) dissolving a drug with low aqueous solubility in a pharmaceutically acceptable dipolar aprotic solvent and/or acid;

b) further dissolving the composition of step a) in a pharmaceutically acceptable aqueous secondary solvent; and

c) removing the dipolar aprotic solvent and/or acid from the composition of step b).

69.(new) The solvent vehicle of claim 26, where the acid is acetic acid.

70.(new) The solvent vehicle of claim 26, where the dipolar aprotic solvent and/or acid is virtually eliminated from the solvent vehicle.

71.(new) The solvent vehicle of claim 26, where removing the dipolar aprotic solvent and/or acid comprises lyophilization.

72.(new) The solvent vehicle of claim 26, wherein the process further comprises reconstituting the composition of step c) in a pharmaceutically acceptable aqueous solution.

73.(new) The solvent vehicle of claim 72, wherein said pharmaceutically acceptable aqueous solution comprises water, saline solution, dextrose solution, aqueous lipid emulsion, glacial acetic acid, or lipid solution.

74.(new) The solvent vehicle of claim 73, wherein said pharmaceutically acceptable aqueous solution comprises water.

75.(new) The solvent vehicle of claim 73, wherein said pharmaceutically acceptable aqueous solution comprises saline solution.

76.(new) The solvent vehicle of claim 73, wherein said pharmaceutically acceptable aqueous solution comprises dextrose solution.

77.(new) The solvent vehicle of claim 76, wherein said dextrose solution comprises 5% to 70% dextrose in water.

78.(new) The solvent vehicle of claim 76, wherein said dextrose solution comprises 5% or 10% dextrose solution.

79.(new) The solvent vehicle of claim 73, wherein said secondary solvent comprises a parenteral infusion fluid.

80.(new) The solvent vehicle of claim 26, wherein the drug with low aqueous solubility is pimaricin.

81.(new) A method for preparing a solvent vehicle comprising:

a) obtaining a pharmaceutically acceptable dipolar aprotic solvent and/or an acid;

b) dissolving a drug with low aqueous solubility in said dipolar aprotic solvent and/or acid;

c) further dissolving composition of step b) in a pharmaceutically acceptable aqueous secondary solvent; and

d) removing the dipolar aprotic solvent and/or acid from the composition of step c).

82.(new) The method of claim 81, where the acid is acetic acid.

83.(new) The method of claim 81, where the dipolar aprotic solvent and/or acid is virtually eliminated from the solvent vehicle.

84.(new) The method of claim 81, where removing the dipolar aprotic solvent and/or acid is by lyophilization.

85.(new) The method of claim 81, further comprising reconstituting the composition of step d) by the addition of a pharmaceutically acceptable aqueous solvent.

86.(new) The solvent vehicle of claim 85, wherein said pharmaceutically acceptable aqueous solution comprises water, saline solution, dextrose solution, aqueous lipid emulsion, glacial acetic acid, or lipid solution.

87.(new) The method of claim 81, where the drug is pimaricin.